

Public Notice – Amendment of Water Quality Management Planning Regulation

Notice of action: The State Water Control Board (Board) is considering the amendment of the regulation on water quality management planning in accordance with the Public Participation Procedures for Water Quality Management Planning. A regulation is a general rule governing people's rights or conduct that is upheld by a state agency.

Purpose of notice: The Board is seeking comments through the Department of Environmental Quality on the proposed amendment. The purpose of the amendment to the state's Water Quality Management Planning Regulation (9 VAC 25-720) is to adopt forty-eight Total Maximum Daily Load (TMDL) waste load allocations.

Public comment period: September 27, 2010 to October 27, 2010

Description of proposed action: DEQ staff will propose amendments of the state's Water Quality Management Planning regulation for the Potomac-Shenandoah River Basin (9 VAC 25-720-50.A), James River Basin (9 VAC 25-720-60.A), Roanoke River Basin (9 VAC 25-720-80.A), Tennessee/Big Sandy River Basin (9 VAC 25-720-90.A), Chowan River Basin (9 VAC 25-720-100.A), and Chesapeake Bay - Small Coastal - Eastern Shore Basin (9VAC25-720-110.A). Statutory authority for promulgating these amendments can be found in §62.1-44.15(10) of the Code of Virginia.

Staff intends to recommend 1) that the board approve eleven TMDL reports and three TMDL modifications as the plans for the pollutant reductions necessary for attainment of water quality goals in the impaired segments, 2) that the Board authorize inclusion of the TMDL reports in the appropriate Water Quality Management Plan, and 3) that the Board adopt forty-eight TMDL waste load allocations as part of the state's Water Quality Management Planning Regulation in accordance with §2.2-4006A.4.c. and §2.2-4006B of the Code of Virginia.

The eleven TMDL reports and three TMDL modifications were developed in accordance with federal regulations (40 CFR §130.7) and are exempt from the provisions of Article II of the Virginia Administrative Process Act. The reports were subject to the TMDL public participation process contained in DEQ's Public Participation Procedures for Water Quality Management Planning. The public comment process provides the affected stakeholders an opportunity for public appeal of the TMDLs. EPA approved all TMDLs presented under this public notice. The approved reports can be found at <https://www.deq.virginia.gov/TMDLDataSearch/ReportSearch.aspx>.

Affected Waterbodies and Localities:

In the Potomac - Shenandoah River Basin (9 VAC 25-720-50.A):

1. *"Bacteria and Benthic Total Maximum Daily Load Development for South River"*
 - The South River benthic TMDL, located in Augusta and Rockingham Counties, proposes sediment and phosphorus reductions for portions of the watershed. The TMDL includes a sediment wasteload allocation of 619.4 tons/year and a phosphorus wasteload allocation of 6,929.9 kg/yr.
2. *"Total Maximum Daily Load Development for Mercury in the South River, South Fork Shenandoah River, and Shenandoah River, Virginia"*
 - The South River, South Fork Shenandoah River, and Shenandoah River Mercury TMDLs, located in Augusta, Rockingham, Page, and Warren Counties, propose Mercury reductions for portions of the watershed. The three TMDLs include Mercury wasteload allocations of 112 g/yr for the South River, 112 g/yr for the South Fork Shenandoah River, and 112 g/yr for the Shenandoah River.

3. *"Total Maximum Daily Load Development to Address Bacteria and Benthic Impairments in the Spout Run Watershed, Clarke County, Virginia"*
 - The Spout Run benthic TMDL, located in Clarke County, proposes sediment reductions for portions of the watershed and provides a sediment wasteload allocation of 7.44 tons/year.
4. *"Benthic Total Maximum Daily Load Development for Strait Creek and West Strait Creek"*
 - The Strait Creek and West Strait Creek benthic TMDLs, located in Highland County, propose CBOD5, sediment, and seasonal ammonia reductions for portions of the watersheds. For West Strait Creek, the report provides a sediment wasteload allocation of 0.02 tons/day, CBOD5 wasteload allocation of 11 kg/day, dry season (June-December) ammonia as N wasteload allocation of 1.6 kg/day, and wet season (January-May) ammonia as N wasteload allocation of 2.9 kg/day. For Strait Creek, the report provides a sediment wasteload allocation of 0.08 tons/day.
5. *Modification for "Total Maximum Daily Load (TMDL) Development for Smith Creek"*
 - The Smith Creek benthic TMDL modification proposes to reassign the wasteload allocation of a properly closed point-source discharge (Valley View Mobile Home) to a new point-source discharge (Cedar Land Trailer Court). The proposed updates will not cause a water quality violation because the overall wasteload allocation and TMDL are not being modified.

In the James River Basin (9 VAC 25-720-60.A):

6. *Benthic TMDL Development for the Jackson River, Virginia*

- The Jackson River benthic TMDL, located in Alleghany, Bath, and Highland Counties, proposes Total Phosphorus and Total Nitrogen reductions for portions of the watershed and provides a TP wasteload allocation of 72,955 lbs/growing season and a TN wasteload allocation of 220,134 lbs/growing season.

7. *Total Maximum Daily Load Development to Address a Benthic Impairment in the Little Calpasture River, Rockbridge County, Virginia*

- The Little Calpasture River benthic TMDL, located in Rockbridge County, proposes sediment reductions for portions of the watershed and provides a sediment wasteload allocation of 30.4 tons/year.

In the Roanoke River Basin (9 VAC 25-720-80.A):

8. *Roanoke River PCB TMDL Development (Virginia)*

- The Roanoke River PCB TMDL, located in Montgomery, Roanoke, Bedford, Campbell, Charlotte, Pittsylvania, and Halifax Counties, proposes PCB reductions for portions of the watershed and provides several wasteload allocations for streams. The streams and their respective tPCB wasteload allocations are: North Fork Roanoke River, 28.2 mg/year; South Fork Roanoke River, 230.2 mg/year; Masons Creek, 9.1 mg/year; Peters Creek, 65.4 mg/year; Tinker Creek, 103.9 mg/year; Wolf Creek, 10.0 mg/year; UT to Roanoke River, 0.5 mg/year; Roanoke River, 28,157.7 mg/year; Goose Creek, 0.1 mg/year; Sycamore Creek, 1.4 mg/year; Lynch Creek, 0.1 mg/year; Reed Creek, 0.0 mg/year; X-Trib, 0.1 mg/year; UT to Roanoke River, 0.1 mg/year; Little Otter River, 0.0 mg/year; Big Otter River, 0.0 mg/year; Straightstone Creek, 0.0 mg/year; Seneca Creek, 0.0 mg/year; Whipping Creek, 0.0 mg/year; Falling River, 0.0 mg/year; Childrey Creek, 0.0 mg/year; Catawba Creek, 0.0 mg/year; Turnip Creek,

0.0 mg/year; Hunting Creek, 0.0 mg/year; Cub Creek, 0.0 mg/year; Black Walnut Creek, 0.8 mg/year; Roanoke Creek, 0.0 mg/year; Difficult Creek, 0.0 mg/year; Roanoke River, 1,931.8 mg/year.

9. *Modification for "Benthic TMDL for Twittys Creek Watershed, Virginia"*

- The modification for Twittys Creek benthic TMDL proposes to revise the WLA to accommodate the expansion of the Drakes Beach WWTP. The revised WLA for this facility would be 18.3 tons/year, or an increase in 14.7 tons/year. This additional load will be taken from the terminated Westpoint Stevens WLA, 16.8 tons/year, which has been transferred to future growth. The adjustment to the future growth allocation will result in no change to the original TMDL or WLA.

In the Tennessee/Big Sandy River Basin (9 VAC 25-720-90.A):

10. *Bacteria and Benthic Total Maximum Daily Load Development for Middle Fork Holston River*

- The Middle Fork Holston River, located in Washington and Smyth Counties, proposes sediment reductions for portions of the watershed and provides a sediment wasteload allocation of 100.4 tons/year.

11. *Bacteria and Benthic Total Maximum Daily Load Development for Wolf Creek*

- The Wolf Creek benthic TMDL, located in Washington County, proposes sediment reductions for portions of the watershed and provides a sediment wasteload allocation of 301.6 tons/year.

In the Chowan River Basin (9 VAC 25-720-100.A):

12. *Modification for "Benthic TMDL for Hurricane Branch Unnamed Tributary, Virginia"*

- The modification for UT Hurricane Branch benthic TMDL proposes to disaggregate the existing sediment wasteload allocation for Blackstone WWTP (60.9 tons/year) into two separate wasteload allocations

(Blackstone WWTP at 48.7 tons/year and Blackstone WTP at 12.2 tons/year). This alteration will not change the overall WLA or TMDL and will, therefore, not cause a water quality violation.

In the Chesapeake Bay-Small Coastal-Eastern Shore River Basin (9 VAC 25-720-110.A):

13. *"Benthic Total Maximum Daily Load (TMDL) Development for the Pettit Branch Watershed"*

- The Pettit Branch benthic TMDL, located in Accomack County, proposes Total Phosphorus reductions for portions of the watershed. The report provides a Total Phosphorus wasteload allocation of 0.01 lb/day.

14. *"Total Maximum Daily Load for Dissolved Oxygen in Mill Creek, Northampton County, Virginia"*

- The Mill Creek Dissolved Oxygen TMDL, located in Northampton County, proposes organic carbon and nutrients reductions for portions of the watershed. The report provides a TC wasteload allocation of 30.53 lb/day and a TN wasteload allocation of 10.07 lb/day.

How to comment: The DEQ accepts written comments by e-mail, fax and postal mail. All written comments must include the full name, address and telephone number of the person commenting and be received by DEQ by 5 p.m. on the last day of the comment period.

How a decision is made: After comments have been considered, the board will make the final decision. Citizens that submit statements during the comment period may address the board members during the board meeting at which a final decision is made on the proposal.

To review documents: The TMDL reports and the proposed regulatory amendments are available on the DEQ web site at

<https://www.deq.virginia.gov/TMDLDataSearch/ReportSearch.aspx> and by contacting the DEQ representative named below. The electronic copies are in PDF format and may be read online or downloaded.

Contact for public comments, document requests and additional information:

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